



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

May 14, 2021

Honorable George D. Bedwick, Chairman
Pa. Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street, Harrisburg 17101
(sent by email to irrc@irrc.state.pa.us)

Dear Chairman Bedwick:

We write to offer our comments on the Department of Environmental Protection's final-form regulations regarding WQM and NPDES permit application fees and annual fees (*Regulation #7-533: Water Quality Management and National Pollutant Discharge Elimination System Permit Application and Annual Fees*) that will be before the Independent Regulatory Review Commission at your May 20, 2021 meeting.

The Pennsylvania Clean Streams Law allows the department to charge and collect reasonable filing fees for applications filed and for permits issued. The level of the fee increases that were proposed by the draft regulations in Sections 91.22(a), 92a.26(b), and 92a.62(b) were not reasonable, with some fees increasing by more than two or three times their previous levels. However, after public comment, the department reduced many of those fees, much to the relief of the regulated community that stood to pay an extra \$8 million per year for such permits.

As the Environmental Quality Board's own analysis shows, the General Assembly has for many years underfunded the department's budget, all at a time when the department's costs for staff salaries and benefits, as well as other operational costs, have been increasing. The result has been an overall decrease in staffing for the statewide Clean Water Program of approximately 25% since 2007.

Given that clean water is guaranteed by the state's Constitution, it is incumbent on the General Assembly to make up the shortfall in the department's efforts in our clean water program. Under these final-form regulations (and even after the substantial fee reductions made in response to public comments), the regulated community (i.e., those persons requiring an NPDES and/or WQM permit) would still be paying an additional \$4.5 million per year to the department for what essentially is a core function of state government, and of that, \$1.7 million, or nearly 40% of the total new costs, would be borne on the backs of municipal governments. This is simply too large of a fee increase for our members to sustainably absorb and is nowhere near the level of fee reductions granted to the non-governmental members of the regulated community.

We ask that you disapprove this regulation, and instead support our requests for increased funding from the state legislature rather than passing on the burden of DEP's operational costs to local governments in the form of an additional unfunded mandate.

Higher fees should not be the solution for decreased funding from the state legislature. An increase in permit fees for local government water, stormwater, and wastewater is ultimately a tax on the Pennsylvanians that pay for these services. PSATS remains opposed to final-form regulation #7-533.

Please contact me should you have any questions concerning our position on this matter. Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Sanko". The signature is written in a cursive style with a large, stylized initial "D".

David M. Sanko
Executive Director

cc: The Honorable Gene Yaw, Chair Senate Environmental Resources & Energy Committee
The Honorable Daryl Metcalfe, Chair House Environmental Resources & Energy Committee